

considered suitable by the health authority if an appropriate inpatient health care facility is not available.

(e) The order for temporary detention may direct an emergency medical services provider to provide an ambulance and staff to immediately transport the person who is the subject of the order to an appropriate inpatient health care facility designated by the order or other suitable facility. The provider may seek reimbursement for the costs of the transport from any appropriate source.

SECTION 8. Section 81.190, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) If the department or health authority advises the court that the person must remain in isolation or quarantine and that exposure to the judge or the public would jeopardize the health and safety of those persons and the public health, the judge may order that a person entitled to a hearing may not appear in person and may appear only by teleconference or another means that the judge finds appropriate to allow the person to speak, to interact with witnesses, and to confer with the person's attorney.

SECTION 9. Subchapter G, Chapter 81, Health and Safety Code, is amended by adding Section 81.212 to read as follows:

Sec. 81.212. EVADING OR RESISTING APPREHENSION OR TRANSPORT; CRIMINAL PENALTY. (a) A person who is subject to a protective custody order or temporary detention order issued by a court under this subchapter commits an offense if the person resists or evades apprehension by a sheriff, constable, or other peace officer enforcing the order or resists or evades transport to an appropriate inpatient health care facility or other suitable facility under the order.

(b) A person commits an offense if the person assists a person who is subject to a protective custody order or temporary detention order issued by a court under this subchapter in resisting or evading apprehension by a sheriff, constable, or other peace officer enforcing the order or in resisting or evading transport to an appropriate inpatient health care facility or other suitable facility under the order.

(c) An offense under this section is a Class A misdemeanor.

SECTION 10. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on April 25, 2013: Yeas 134, Nays 2, 2 present, not voting; passed by the Senate on May 20, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 315

H.B. No. 1711

AN ACT

relating to barratry.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 82.065(b), Government Code, is amended to read as follows:

(b) Any contract for legal services is voidable by the client if it is procured as a result of conduct violating *Section 38.12(a) or (b), Penal Code, [the laws of this state]* or *Rule 7.03 of the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas*, regarding barratry by attorneys or other persons.

SECTION 2. Section 82.0651, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (g) to read as follows:

(a) A client may bring an action to void a contract for legal services that was procured as a result of conduct violating *Section 38.12(a) or (b), Penal Code, [the laws of this state]* or *Rule 7.03 of the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas*, regarding barratry by attorneys or other persons, *and to recover any amount that may be awarded under Subsection (b).* A client who enters into a contract described by this subsection may bring an action to recover any amount that may be awarded under Subsection (b) even if the contract is voided voluntarily.

(b) A client who prevails in an action under Subsection (a) shall recover from any person who committed barratry:

(1) all fees and expenses paid to that person under the contract;

(2) the balance of any fees and expenses paid to any other person under the contract, after deducting fees and expenses awarded based on a quantum meruit theory as provided by Section 82.065(c);

(3) actual damages caused by the prohibited conduct; ~~and~~

(4) a penalty in the amount of \$10,000; and

(5) reasonable and necessary attorney's fees.

(c) A person who was solicited by conduct violating *Section 38.12(a) or (b), Penal Code, [the laws of this state]* or *Rule 7.03 of the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas*, regarding barratry by attorneys or other persons, but who did not enter into a contract as a result of that conduct, may file a civil action against any person who committed barratry.

(g) *The expedited actions process created by Rule 169, Texas Rules of Civil Procedure, does not apply to an action under this section.*

SECTION 3. Sections 38.12(d) and (e), Penal Code, are amended to read as follows:

(d) A person commits an offense if the person:

(1) is an attorney, chiropractor, physician, surgeon, or private investigator licensed to practice in this state or any person licensed, certified, or registered by a health care regulatory agency of this state; and

(2) with the intent to obtain professional employment for the person or for another, provides or knowingly permits to be provided to an individual who has not sought the person's employment, legal representation, advice, or care a written communication or a solicitation, including a solicitation in person or by telephone, that:

(A) concerns an action for personal injury or wrongful death or otherwise relates to an accident or disaster involving the person to whom the communication or solicitation is provided or a relative of that person and that was provided before the 31st day after the date on which the accident or disaster occurred;

(B) concerns a specific matter and relates to legal representation and the person knows or reasonably should know that the person to whom the communication or solicitation is directed is represented by a lawyer in the matter;

(C) ~~concerns an arrest or issuance of a summons to the person to whom the communication or solicitation is provided or a relative of that person and that was provided before the 31st day after the date on which the arrest or issuance of the summons occurred;~~

~~(D)~~ concerns a lawsuit of any kind, including an action for divorce, in which the person to whom the communication or solicitation is provided is a defendant or a relative of that person, unless the lawsuit in which the person is named as a defendant has been on file for more than 31 days before the date on which the communication or solicitation was provided;

(D) ~~(E)~~ is provided or permitted to be provided by a person who knows or reasonably should know that the injured person or relative of the injured person has indicated a desire not to be contacted by or receive communications or solicitations concerning employment;

(E) ~~(F)~~ involves coercion, duress, fraud, overreaching, harassment, intimidation, or undue influence; or

(F) ~~(G)~~ contains a false, fraudulent, misleading, deceptive, or unfair statement or claim.

(e) For purposes of Subsection (d)(2)(D) ~~[(4)(2)(E)]~~, a desire not to be contacted is presumed if an accident report reflects that such an indication has been made by an injured person or that person's relative.

SECTION 4. (a) Section 82.065(b), Government Code, as amended by this Act, applies only to a contract procured as a result of conduct described by that subsection, as amended by this Act, occurring on or after the effective date of this Act. A contract procured as a result of conduct occurring before the effective date of this Act is governed by the law applicable to the contract immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Except as provided by this section, Section 82.0651, Government Code, as amended by this Act, applies only to an action concerning a contract procured as a result of conduct described by Section 82.0651(a), Government Code, as amended by this Act, that occurs on or after the effective date of this Act. An action concerning a contract procured as a result of conduct that occurred before the effective date of this Act is governed by the law applicable to the contract immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(c) Section 82.0651(g), Government Code, as added by this Act, applies to an action:

(1) commenced on or after the effective date of this Act; or

(2) pending on the effective date of this Act and in which the trial, or any new trial or retrial following motion, appeal, or otherwise, begins on or after the effective date of this Act.

SECTION 5. This Act takes effect September 1, 2013.

Passed by the House on April 11, 2013: Yeas 140, Nays 4, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1711 on May 16, 2013: Yeas 141, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 15, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 316

H.B. No. 1717

AN ACT

relating to the continuation and functions of the Texas Board of Architectural Examiners; changing certain fees.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1051.003, Occupations Code, is amended to read as follows:

Sec. 1051.003. APPLICATION OF SUNSET ACT. The Texas Board of Architectural Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this subtitle expires September 1, 2025 [2013].

SECTION 2. Subchapter F, Chapter 1051, Occupations Code, is amended by adding Section 1051.3041 to read as follows: